

JIMMY DALE SMITH, )  
)  
Petitioner, )  
)  
vs. ) Case No. 4:09CV299 RWS  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

This matter is before me on petitioner's motion for summary judgment and/or evidentiary hearing. I denied petitioner's § 2255 motion without an evidentiary hearing on February 18, 2011, and petitioner's motion does not convince me that my decision was in error, so I will deny the motion.

**IT IS HEREBY ORDERED** that petitioner's motion for summary judgment and/or evidentiary hearing [#48] is denied.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of February, 2011.